

## REMARKS

Claims 1, 4-14, 16, and 18-20, as amended, are pending in this application. In this Response, Applicants have amended independent claim 14 to clarify the vent formed in the cover portion is configured and dimensioned to vent air from the interior space.

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

## THE REJECTIONS UNDER 35 U.S.C. § 102

At page 2 of the Office Action, the Examiner rejected claims 14, 16, and 18 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,179,144 to Abroy *et al.* ("Abroy"). For at least the reasons set forth below, Applicants submit that the Examiner's rejections have been overcome.

Abroy discloses an electrical enclosure that has a side hinged cover that is not defeated by the pressure of expanding internal gases. *See Abstract.* The enclosure includes a rain channel located immediately adjacent a front edge of the box top. *Id.* The rain channel is generally J-shaped in cross-section and extends across the front of the box and slightly beyond the two side walls of the box. *Id.* As configured, the rain channel directs water over the side walls of the box, preventing it from reaching any enclosed components. *Id.* To aid in sealing the box, one end of the side cover is fixed to a side wall of the box and the other end of the side cover may be latched to the opposing side wall. *Id.*

The electrical enclosure disclosed by Abroy forms an air tight enclosure. As described with respect to FIG. 12, the gasses produced inside the enclosure are permitted to escape when the gas pressure causes the corners 158 of the latched side cover 36 to be deflected slightly outward. *See Col. 5, lines 35-38 and FIG. 12.* In other words, the enclosure is air tight in its normal state. When the gasses inside the enclosure build up enough pressure, they cause the cover to be deformed slightly, which releases the internal gasses. The release of internal gas pressure is intended to prevent the enclosure from being damaged beyond repair due to stretching and distortion of the box top, bottom, and side walls. *See Col. 5, lines 38-43.*

In contrast, the present invention relates to a cabinet having a back portion fixedly connectable to a wall and a cover portion that cooperates with the back portion to form an interior space. *See, e.g.*, claim 14 and FIGS. 1-5. In one embodiment, the cover portion is detachably connected to the back portion using a hinge structure. *Id.* The hinge structure includes a pair of mounting brackets formed on opposite sides of the back portion. *Id.* The cover, which includes pivot pins, engages the mounting brackets to form the interior space. *Id.* In this manner, the cover may be easily removed to obtain access to any components that are positioned within the interior space. *Id.* When the cover portion is engaged with the back portion, a vent comprising a gap between the cover portion and the wall may be formed. *Id.*

In order to facilitate allowance, Applicants have amended independent claim 14 to clarify that the vent formed in the cover portion is configured and dimensioned to vent air from the interior space. As discussed above, Abroy teaches an air tight enclosure, and does not teach a vent that vents air from the interior space.

Moreover, the Examiner argues, *inter alia*, that Abroy clearly discloses a vent comprising a gap formed between the cover portion 36 and the wall. Curiously, the Examiner attempts to support this assertion based on the cover 36 shown in FIG. 4. *See* Office Action at page 6. As a threshold matter, FIG. 4 simply does not show a wall, or a gap between the cover 36 and a wall. Additionally, the cover 36 of Abroy is explicitly described as being able to open and close. *See, e.g.*, Col. 4, lines 43-67. Thus, logic dictates, and Abroy discloses, that the cover 36 does not face the wall. Positioning the cover against the wall, in fact, would prevent it from opening and closing in the manner shown and disclosed by Abroy. As such, a skilled artisan will understand that the cover 36 of Abroy is positioned such that it faces away from a wall and is able to open and close.

Further, the Examiner argues that Abroy discloses a water-diverting plate below the vent. *See* Office Action at page 6. In light of the amendments to claim 14, however, Applicants submit that the rain channel of Abroy is not a vent as recited by amended claim 14. Thus, Abroy also fails to teach a water-diverting plate below the vent. Even if, *arguendo*, the rain channel is a vent (as suggested by the Examiner), it is not configured and dimensioned to vent air from the interior space. Accordingly, Abroy does not disclose a water-diverting plate below the vent, as recited by amended claim 14 of the present application.

In light of the amendments to claim 14, Applicants submit that Abroy fails to teach, or even suggest, each and every element of the present invention as recited in claim 14, including: (i) a vent formed in the cover and configured and dimensioned to vent air from the interior space; (ii) a vent comprising a gap formed between a cover portion and a wall; and (iv) a water-diverting plate below the vent. In light of the deficiencies of Abroy, Applicants submit that the Examiner's rejection of claim 14 under 35 U.S.C. § 102 has been overcome. Applicants further submit that claims 16 and 18 are in condition for allowance at least by virtue of their dependency on claim 14, but also for additional novel features recited therein. Reconsideration and allowance is respectfully requested.

### **THE REJECTIONS UNDER 35 U.S.C. § 103**

At pages 3-5 of the Office Action the Examiner rejected claims 1, 4-11, and 19-20 under 35 U.S.C. § 103(a) as being obvious over Abroy in view of U.S. Patent No. 4,223,965 to Palandrani ("Palandrani"). Applicants submit that the Examiner's rejections have been traversed for at least the reasons discussed below.

Applicants submit that claim 1 recites features similar to the features added to amended claim 14, discussed above. In other words, claim 1 recites a venting means for venting air from an interior space. As discussed above, Abroy does not teach or suggest this feature of the present invention. As also discussed above, because Abroy does not teach a venting means for venting air from an interior space, it cannot disclose a diverting means disposed below the venting means.

Therefore, Abroy does not teach or suggest a venting means for venting air from an interior space, as recited by claim 1 of the present invention. A skilled artisan would not have been motivated to modify Abroy to include a venting means recited by the present invention because Abroy teaches that its enclosure is air tight. Because Palandrani fails to cure the deficiencies of Abroy discussed above, *i.e.*, there is no disclosure of a vent formed in the manner recited in claim 1, Applicants submit that the Examiner's rejections under 35 U.S.C. § 103 have been traversed. Reconsideration and allowance of the pending claims is respectfully requested.

## CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned agent to discuss any remaining issues.

A Petition for a two-month Extension of Time is submitted herewith, extending the time to respond to and including June 12, 2007. A Fee Sheet Transmittal is also submitted herewith to pay for the Extension of Time and the Request for Continued Examination. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 50-4047, Order No. 15772.0006.

Respectfully submitted,  
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